

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

RUTH DAHL,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

Civil No. 2:15-CV-01366-MJP

ORDER

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's application for disability insurance benefits and disabled widow's benefits under Title II of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security to issue a partially favorable decision. On remand, the Commissioner will find that Medical Vocational Rules 201.28 and 201.21 direct a finding of not disabled for purposes of Title II disability insurance benefits; Plaintiff was 44 years of age at the time of her alleged onset date and 47 when she was last insured for Title II disability insurance benefits. Thus, she is not entitled to Title II disability insurance benefits on her own record. For purposes of Title II disabled widow's benefits, the Commissioner will find that Plaintiff was not disabled before she reached age 50. However, the Commissioner will find that Medical Vocational Rule

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201.14, which directs a finding of disabled, became applicable when the claimant reached age 50.

This Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the case to the Commissioner to issue a partially favorable decision. Plaintiff will be entitled to reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

DATED this 4th day of February, 2016.



UNITED STATES DISTRICT JUDGE

Presented by:

s/ Jeffrey E. Staples
JEFFREY E. STAPLES
Special Assistant U.S. Attorney
Office of the General Counsel
Social Security Administration
701 Fifth Avenue, Suite 2900 M/S 221A
Seattle, WA 98104-7075
Telephone: (206) 615-3706
Fax: (206) 615-2531
jeff.staples@ssa.gov